

Annual List of Rule-Making Activity
Rules Adopted January 1, 2014 to December 31, 2014
Prepared by the Secretary of State, pursuant to 5 MRSA, §8053-A, sub-§5

Agency name: Baxter State Park Authority
Umbrella-Unit: **94-293**
Statutory authority: Title 12 ch. 211 sub-ch. 3
Chapter number/title: **Ch. 1, Baxter State Park Rules and Regulations**
Filing number: **2014-004**
Effective date: 1/11/2014
Type of rule: Routine Technical
Emergency rule: No

Principal reason or purpose for rule:

Ch. 1, Title 4.12: The Baxter Park Authority has approved the requirement of a media permit for the conduct of commercial media projects in the Park. This rule change includes this requirement in the park rules and provides park enforcement rangers the authority to enforce the requirements of a permit for commercial media projects.

Ch. 1, Title 5.5: The change in this rule is simply to adjust the reference in this section to revised section 5.8.

Ch. 1, Title 5.8: The current rule prohibits the use of ATV's on the frozen surface of ponds and lakes that extend outside the boundary of Baxter State Park providing legal ATV access to ATV riders. This change allows the winter use of ATV's on these ponds during the winter months when the surface is ice, and aligns the Baxter State Park rule with current Maine law governing A TV use on ponds and lakes.

Basis statement:

Brief Summary - Rule Change #1

Current Rule 5.8: Snowmobiles may be used on Matagamon, Nesowadnehunk and Webster Lakes and Lower Togue Pond and on the following road or trail segments within Baxter State Park:

- A. The Park Tote Road between the southern Park boundary at so-called Caribou Pit and the Park boundary just south of Matagamon Landing;
- B. The so called Logan Pond Road along the north shore of Lower Togue Pond;
- C. The spur road between the Park Tote Road and Camp Phoenix; and
- D. The existing trail along the East Branch of the Penobscot River from Second Lake Matagamon to the northern boundary of the Park.

Unauthorized use of snowmobiles in any other portion of the Park is prohibited. Operators of snowmobiles must comply with all requirements of State Law.

Proposed Rule 5.8: Snowmobiles and ATV's (all terrain vehicles) may be used on (the frozen surface of) Matagamon, Nesowadnehunk and Webster Lakes and Lower Togue Pond.

Snowmobiles may be used on the following road or trail segments within Baxter State Park:

- A. The Park Tote Road between the southern Park boundary at so-called Caribou Pit and the Park boundary just south of Matagamon Landing;
- B. The so called Logan Pond Road along the north shore of Lower Togue Pond;
- C. The spur road between the Park Tote Road and Camp Phoenix; and
- D. The existing trail along the East Branch of the Penobscot River from Second Lake Matagamon to the northern boundary of the Park.

Unauthorized use of snowmobiles in any other portion of the Park is prohibited. Operators of snowmobiles must comply with all requirements of State Law.

Rationale: The current rule prohibits the use of ATV's on the frozen surface of ponds and lakes that extend outside the boundary of Baxter State Park providing legal ATV access to ATV riders. This change allows the winter use of ATV's on these ponds during the winter months when the surface is ice, and aligns the Baxter State Park rule with current Maine law governing ATV use on ponds and lakes.

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The current rule was developed before the emergence of ATV's as a common and popular recreation and work vehicle. In terms of the Park's mission elements, the use of ATV's is not considered differently than the use of snowmobiles on the frozen surface of lakes and ponds in Baxter State Park that are legally accessible by ATV's.

The proposed rule aligns the Park rule more consistently with current Maine law regarding ATV use on frozen lakes and ponds in Maine and clarifies the rules of use for ATV owners and law enforcement officers.

Brief Summary - Rule Change #2

Current Rule 5.5: The operation of Motorized trail bikes and ATV's (all-terrain vehicles) is prohibited within the Park. The operation of Motorcycles is prohibited on unpaved roads within the Park. Bicycles are allowed only on maintained roads within the Park with the exception of roads in the Scientific Forest Management Area (SFMA) where bicycles are prohibited.

Proposed Rule 5.5: The operation of Motorized trail bikes and ATV's (all-terrain vehicles) is prohibited within the Park except as specified in 5.8 below. The operation of Motorcycles is prohibited on unpaved roads within the Park. Bicycles are allowed only on maintained roads within the Park with the exception of roads in the Scientific Forest Management Area (SFMA) where bicycles are prohibited.

Rationale: The change in this rule is simply to adjust the reference in this section to revised section 5.8 as proposed above.

Brief Summary - Rule Change #3

Current Rule 4.12: Research studies within the Park require a special use permit issued by the Director. Requests for use of the Park for research studies must be submitted to the Director in writing nine months in advance of the proposed research, except as expressly authorized by the Director.

Proposed Rule 4.12: Research studies and Commercial Media projects within the Park require a special use permit issued by the Director. Requests for use of the Park for research studies must be submitted to the Director in writing nine months in advance of the proposed research, except as expressly authorized by the Director.

Rationale: The Baxter Park Authority has approved the requirement of a media permit for the conduct of commercial media projects in the Park. This proposed rule change includes this requirement in the Park rules and provides Park enforcement rangers the authority to enforce the requirement of a permit for commercial media projects.

Detailed Basis Statement / Summary

The incidents of requests by individuals and companies engaged in the commercial production and sale of media projects including still photography, video, and films to engage in production activities in Baxter Park has been increasing in recent years. The activities of these individuals and organizations is generally profit motivated and in contrast with the motivation of Park donor Percival Baxter and most Park visitors who are oriented toward the enjoyment of nature, wilderness hiking and exploration and time with family and friends. The implementation of an enforceable media permit requirement improves the ability of Baxter State Park to preserve the visitor experience and protect the resources of the Park.

Fiscal impact of rule:

None.